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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Emanuel Hermanus Van Broekhoven

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04/21/2009

Albemarle Netherlands B.V.
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EXAMINER

DANG, THUAN D

ART UNIT

PAPER NUMBER

1797

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

The Attachment to Advisory Action

The argument that the examiner has presented applicant with 102(b) rejection that combines the teachings of two references since anticipation is established only if all of the elements of an invention as stated in a patent claim are identically set forth in a single prior art reference is not persuasive since while a 102 rejection normally requires a single reference it has been held that two reference can be used when the first incorporates by reference (see col. 2, lines 10-14; col. 4, lines 67-68). *In re Saunders* 170 USPQ 213 (CCPA 1971). Therefore, the catalyst disclosed on column 2, lines 10-14 is a portion of the teaching of Chou.

Applicants cite a part of teaching "invention overcomes problems posed by the prior art in that the catalyst aging is significantly reduced". Applicants concludes that the catalyst used therein is different from the prior art catalysts. Applicant should read the full paragraph on column 4, lines 60-66 which is further read that "Furthermore, this process effects improved octane ratings for gasoline by utilizing a combined isomerization/alkylation process utilizing heterogeneous alkylation catalyst which includes the use of water to activate said catalyst". This teaching clearly suggests that the prior art catalyst can be improved by including the use of water to activate the catalyst.

The DP rejection has been overcome by the terminal disclaimer filed on 10/14/2008.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THUAN D. DANG whose telephone number is (571)272-1445. The examiner can normally be reached on Mon-Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on 571-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THUAN D DANG/

Primary Examiner, Art Unit 1797